

IN THE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA ex rel.)	
DARRYL R. DUNCAN,)	
)	
Petitioner,)	
)	
v.)	No. 08 C 0777
)	
GREGORY C. SIMS, Warden,)	The Honorable
)	Elaine Bucklo,
Respondent.)	Judge Presiding.

**MOTION FOR EXTENSION OF TIME TO ANSWER
OR OTHERWISE PLEAD TO THE PETITION
FOR WRIT OF HABEAS CORPUS**

Respondent, Gregory Sims, respectfully moves this Court for a thirty (30) day extension of time from September 2, 2008 to October 2, 2008 in which to file a response to this cause. An affidavit in support of this motion is attached hereto.

Respectfully submitted,

LISA MADIGAN
Attorney General of Counsel

By: s/ Russell K. Benton
RUSSELL K. BENTON, Att.Reg.No.: 6203142
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STATE OF ILLINOIS)
) SS
COUNTY OF C O O K)

A F F I D A V I T

I, Russell Kenneth Benton, being first duly sworn upon oath, deposes and states as follows:

1. That I am an Assistant Attorney General assigned to the Criminal Appeals Division of the Office of the Illinois Attorney General, and now the attorney assigned to the aforementioned case.

2. That this Court, on August 11, 2008, ordered respondent to answer or otherwise plead to the petition for writ of habeas corpus within twenty days of the order, which is on September 2, 2008.

3. The matter was assigned to affiant on August 22, 2008.

4. That respondent has not moved previously for an extension of time in this matter.

5. That this extension of time is being sought to allow the affiant to order and review the state court briefs and other documents in this matter. Respondent is responsible under Rule 5 of the Rules Governing Section § 2254 cases with supplying all of the necessary state court materials not supplied by petitioner to this Court for its review of petitioner's claims. Affiant immediately ordered the necessary documents upon being assigned this case, but has not received them at this point.

6 That this is respondent's first request for an extension of time in this matter.

7. That this motion is made in good faith and not for purposes of delay.

8. That respondent respectfully requests that this Honorable Court grant his thirty (30) day motion for extension of time to and including October 2, 2008, within which to file his answer or otherwise plead to the instant petition writ of habeas corpus.

FURTHER AFFIANT SAYETH NOT.

BY s/Russell K. Benton
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SUBSCRIBED AND SWORN to
before me this 25th day of August, 2008.

NOTARY PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2008, I electronically filed this **Motion For Extension of Time** with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the CM/ECF system. I also certify that on August 25, 2008, I mailed by United States Postal Service, the document to the following non-registered participant:

Darryl R. Duncan, No. B79384
Taylorville Correctional Center
P.O. Box 900
Taylorville, Il. 62568
